IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 20984 of 1995

Dated 12th September, 2006.

Between

Inaganti Ashok Kumar

....Petitioner

and

Deputy Commissioner, Endowments Department,
Guntur and ors.

....Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20984 of 1995

ORDER:

The petitioner in the representative capacity, representing some others, who claimed to be the occupiers of Ura tank in Inagallu village of Purchur Mandal, Prakasam District, filed this Writ Petition seeking Writ of Mandamus to declare the action of the respondents in taking steps to evict occupiers from the land covered by Ura Tank , admeasuring Ac.38.35 cents, situate in Sy.No. 61 of Inagallu village as illegal and arbitrary.

An extent of Ac.36.99 cents of land covered by Sy.No.61 situate in Inagallu village of Purchur Mandal, Prakasam District is classified as Ura Cheruvu in revenue records. The said property

was registered as an ‘endowment’ under the provisions of the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987. The entire extent was leased out to the third parties and they were in continuous possession. Later, all the tenants of the above said land were evicted in the year 1990 and it was decided to sell the said land by way of public auction. The Commissioner of Endowments also issued proceedings in Rc. No.H2/51445/90-4, dated 15-4-1990 directing the second respondent-Assistant Commissioner to keep the land vacant till the same is sold by way of public action. Earlier, there was a decision to sell the very same land in favour of Andhra Pradesh Scheduled Castes Cooperative Finance Corporation, at the rate of Rs.13000/- per acre, otherwise than by public auction. Questioning the orders of the Government in proposing to sell the land in favour of the AP Scheduled Castes Cooperative Finance Corporation, some third parties filed Writ Petition No.1344 of 1994. The said writ petition was disposed of by this Court, by order dated 16-9-1994 directing the respondents to sell the land in question by way of public auction. Against the orders of the learned single judge, the matter was carried in appeal in Writ Appeal No. 1353 of 1994. The said appeal ended in dismissal. It is stated by the learned Government Pleader appearing for the respondents that subsequent to the order of the learned single Judge, the land was sold in public auction and AP Scheduled Castes Cooperative Finance Corporation is the purchaser and is in possession of the land.

It is the case of the petitioners that after original tenants were evicted during the year 1989-90, the petitioner and some others, 120 members in-total, came into the possession of the said land, to the extent of Ac.0.25 to Ac.0.30 cents each, and are cultivating the

said land by raising cotton, maize crops and other vegetables. It is their case that without recourse to the provisions of the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987, steps were being taken to dispossess them pursuant to the orders passed by the Executive Magistrate in exercise of powers under Section 145 Cr.P.C.

Counter affidavit is filed on behalf of the third respondent, disputing very possession of the petitioners over the land in question.

It is not in dispute that the land admeasuring Ac.36.99 cents covered by Sy.No.61 of Inagallu village is classified as Ura Cheruvu, which was a registered endowment. Even as per the affidavit filed in support of the Writ Petition, it is stated that respondents are taking steps to evict the occupiers with a view to sell the said land by way of public auction. It is stated that the petitioner and others occupied the land in the year 1991. The very action taken against them is only with a view to sell the said land in public auction. But, in spite of knowing fully well that they have no authority or any right to use the said land, the petitioners claim that they are the occupiers of the land in question. Even that occupation is denied in the counter affidavit, stating that during pendency of the earlier writ petition, at no point of time the petitioners claimed possession of the land in question. In any event, the respondents have also denied the possession of the petitioners over the land in question and admittedly the petitioners have no right to occupy the land. As much as, in the counter affidavit it is stated that the land is already sold by way of public auction, I do not find any merits in this Writ Petition for grant of relief as prayed for. The plea of the

petitioners, who do not have any claim or right over the property, on the mere assertion that they have occupied the land and they should be evicted by resorting to the provisions of the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987 cannot be accepted.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 12-09-2006.
Msnr.